

### ***Remarks***

The Examiner has made final the rejection of claims 1, 10-12, 15-17, 19, and 36-69. Accordingly, in the interest of facilitating prosecution of the present application, Applicants have herein canceled non-elected claims 1, 10-12, 15-17, 19, and claims 36-69 without prejudice or disclaimer. Applicants reserve the right to pursue the subject matter encompassed by claims 1, 10-12, 15-17, 19, and 36-69 in one or more subsequent divisional or continuation applications.

Upon entry of this amendment, claims 21-35 and 70-76 will be pending in the above identified application.

### ***Response***

Applicants acknowledge and thank the Examiner for withdrawing the rejection of claims 29-36 and 44-50 under 35 U.S.C. § 112, first paragraph, in view of Applicants previously submitted statement regarding availability of the ATCC Deposit. *See*, Paper No. 16, page 2, first paragraph.

### **Information Disclosure Statement**

Applicants respectfully note that on the Information Disclosure Statement form enclosed with the Office Action (Paper No.16), the Examiner did not initial the Foreign Patent Document WO92/17602, item number B1, as per M.P.E.P. § 609. Applicants respectfully request that this reference be considered.

### **Objections and Rejections under 35 U.S.C. § 112, first paragraph**

The Examiner has made final the rejection of claims 37-69 under 35 U.S.C. § 112, first paragraph. *See*, Paper No.16, pages 2-6. Solely in the interest of facilitating prosecution, Applicants have herein canceled claims 37-69 without prejudice or disclaimer, thereby rendering the rejection of these claims moot.

Applicants reserve the right to pursue the subject matter encompassed by claims 37-69 in one or more subsequent divisional or continuation applications.

### **Objections and Rejections under 35 U.S.C. § 112, second paragraph**

The Examiner has made final the rejection of claims 36-50 under 35 U.S.C. § 112, second paragraph. *See*, Paper No.16, page 6. Solely in the interest of facilitating prosecution,

Applicants have herein canceled claims 36-50 without prejudice or disclaimer, thereby rendering the rejection of these claims moot.

Applicants reserve the right to pursue the subject matter encompassed by claims 36-50 in one or more subsequent divisional or continuation applications.

**Allowable Claims**

Applicants respectfully acknowledge and thank the Examiner for indicating the allowability of claims 21-35 and 70-76.


***Conclusion***

Applicants respectfully request that the amendments and remarks of the present reply be entered and made of record in the present application. Applicants believe that each ground of rejection has been successfully overcome or obviated and that the claims are now in condition for allowance. Withdrawal of all of the Examiner's rejections and objections and allowance of the application is earnestly requested. An early notice to that effect is urged. The Examiner is invited to call the undersigned at the phone number provided below if any further action by Applicants would expedite the examination of this application.

If there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 08-3425. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

Date: SEPTEMBER 14, 2001

  
Janet M. Martineau (Reg. No. 46,903)  
Attorney for Applicants

**Human Genome Sciences, Inc.**  
9410 Key West Avenue  
Rockville, MD 20850  
(301) 315-2723 (phone)

KKH/JMM/DS